



# THE ATTORNEY GENERAL OF TEXAS

CRAWFORD C. MARTIN  
ATTORNEY GENERAL

AUSTIN, TEXAS 78711

November 4, 1970

Honorable Bill McCoy  
County Attorney  
Ector County Courthouse  
Odessa, Texas 79760

Opinion No. M-718

Re: Whether a County Commissioner has vacated his office by moving from the precinct from which he was elected to office to another part of the county.

Dear Mr. McCoy:

By recent letter you have requested an opinion from this office in regard to the above stated matter. We quote from your letter as follows:

"One of our County Commissioners desires to move to a new location in the county. This new location is outside of the precinct in which he was duly elected as a County Commissioner. My specific inquiry is this:

"(a) Does this commissioner automatically vacate his office if and when he moves to this new location in the county?

"(b) Can he still hold office as commissioner in the precinct in which he was elected even if he moves into another precinct in the county?"

Your conclusion is that, based upon an analysis of Harrison v. Chesshir, 316 S.W.2d 909 (Tex.Civ.App., 1958, rev. on other grounds, 159 T. 359, 320 S.W.2d 814, 1959), and Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex.Civ.App., 1959 no writ) the Commissioner does not vacate his office, and thus may elect to continue to serve the remainder of his present term.

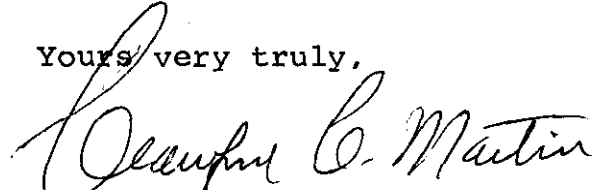
We agree.

A County Commissioner is a county officer, elected to represent the interest of the county, and does not automatically vacate his office by moving to another part of the county outside the precinct from which he was elected. Childress County v. Sachse, 158 Tex. 271, 312 S.W.2d 380 (1958); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex.Civ.App., 1959, no writ); Attorney General's Opinion No. O-6905 (1945).

S U M M A R Y

A County Commissioner does not vacate his office automatically just because he moves his residence to another part of the county, and said Commissioner may continue to serve his term.

Yours very truly,

  
CRAWFORD C. MARTIN  
Attorney General of Texas

Prepared by James C. McCoy  
Assistant Attorney General

APPROVED:  
OPINION COMMITTEE

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